

MADISON COUNTY ANIMAL  
CONTROL ORDINANCE



*Madison County  
Animal Services*

**Part I ADMINISTRATION**

**Section .01**

**AUTHORITY**

This Ordinance is adopted pursuant to the authority vested in Madison County by the General Statutes of North Carolina, particularly **G.S. 153A-121 General Ordinance-making Power** (1963, c. 1060, ss. 1, 1 ½; 1965, cc. 388, 567, 1083, 1158; 1967, c. 495, s. 2; 1969, c. 36, s. 1; 1971, c. 702, ss. 1-3; 1973, c. 507, s. 5; c. 822, s. 1.); **G.S.153A-127 Abuse of Animals** (1973, c. 822, s. 1.); and other applicable laws.

**Section .02**

**PURPOSE**

It is the purpose of this Ordinance to supplement Article 47 of the North Carolina General Statutes G.S. 14-360-14-363.2; to define, regulate, prohibit, or abate acts, omissions or conditions detrimental to the health, safety and welfare of the citizens of Madison County and the peace and dignity of Madison County; and to prohibit the cruel treatment, neglect and abuse of animals. Madison County Animal Services has been set up to handle cats and dogs, no owner surrendered livestock will be accepted by Madison County Animal Services.

**Section .03**

**TITLE**


This Ordinance shall be known as the Madison County Animal Control Ordinance.

**Section .04**

**JURISDICTION**

This Ordinance shall be effective and enforced within all areas of Madison County. Law Enforcement Officers associated with a municipality may also enforce this Ordinance if the municipality has a resolution or ordinance adopting these County Ordinance.

ADOPTED this 9th day of April, 2013.

  
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SUE VILCINSKAS, Chairman  
Madison County Board of Commissioners

  
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DARLYNE RHINEHART, Clerk to the Board

## ***Section .05***

### **SEVERABILITY**

If any section, specific provision, or standard of this Ordinance are found by a court of competent jurisdiction to be invalid for any reason, the decision of the court shall not affect the validity of any other section, provision or standard of this Ordinance except the provision in question. The other portions of this Ordinance not affected by the decision of the court shall remain in full force and effect.

## ***Section .06***

### **RELATION TO OTHER ORDINANCES**

This Ordinance is not intended to interfere with, abrogate or annul any other ordinances, rules, regulations or other provisions of law. If the provisions of this Ordinance conflict with provisions of any other validly enforceable ordinance(s) or laws, the most stringent provisions shall apply.

## **Part II GENERAL**

## ***Section .07***

### **DEFINITIONS**

**Abandon:** To forsake, or give up an animal previously under the custody or possession of a person without having secured another owner/keeper.

**Abuse:** Willful injury to or mistreatment of a domesticated animal.

**Adequate shelter:** An enclosure sufficient to provide shelter from extremes of weather and a means to remain cool, dry and comfortable

**Animal:** A domestic or feral cat or dog.

**Animal Cruelty Investigator:** Any Animal Control Officer/Law Enforcement Officer who has attended and satisfactorily completed an Animal Cruelty Investigator course and has been appointed by the County Commissioners.

**Cruelty, Cruel Treatment, and Abuse:** Every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted or attempted to be caused or permitted against animals, as well as acts or attempted acts of teasing, molesting, baiting or trapping of animals unlawfully. Such acts or omissions shall include but not be limited to beating, kicking, hanging, submerging under water, suffocating, poisoning, setting on fire, and depriving of food, water and medical treatment, or otherwise subjecting the animal to conditions detrimental to its health or general welfare. Such terms, however, shall not be construed to include lawful taking of animals under the jurisdiction and regulation of the wildlife resources commission, except that this Article applies to those birds exempted by the Wildlife Resources Commission from its



definition of “wild birds” pursuant to G.S. 113-129 (15a); lawful activities conducted for the purposes of biomedical research or training or for the purposes of production of livestock, poultry, or aquatic species; lawful activities conducted for the primary purpose of providing food for human or animal consumption; activities conducted for lawful veterinary purposes; the lawful destruction of any animal for the purposes of protecting the public, other animals, or the public health; lawful activities for sport.

**Dangerous Dog:** A dangerous dog is a dog that has killed or inflicted serious injury on a person; is determined by the health director and/or the Madison County Animal Control Board to be potentially dangerous because the dog has engaged in one or more of the behaviors listed under the definition for potentially dangerous dog; any animal owned or harbored primarily or in part for the purpose of animal fighting, or any animal trained for animal fighting.

**Enclosure:** A pen or paddock with adequate and properly installed fencing. It is recommended that fenced lots for dogs are to be no less than 100 square feet.

**Exotic Animals:** non-indigenous or non-native species living outside its native distributional range.

**Harboring of Animal:** An animal shall be deemed as harbored if it is fed or sheltered for seven days or more, unless the animal is being boarded for a fee, with the owners’ knowledge.

**Hazard:** Any natural or artificial object, above or below ground that could cause harm or injury to the animal.

**Humane:** Characterized by kindness, compassion, mercy, and inflicting the minimum amount of pain.

**Hunting Kennel:** Any kennel solely operated to house dogs used for hunting purposes.

**Impounded:** Any animal which is received into the custody of the Madison County Animal Shelter, and housed at the Shelter or another location designated by the Shelter.

**Keeper:** Any person, acting in the capacity of the owner, or at the owner’s request, who is responsible for the care, welfare, and maintenance of the animal.

**Lawful Hunt:** A hunt for lawful game conducted on public or private property with the consent of the owner or custodian of the property by a person with a valid license (if required) during the lawful season for the game concerned using dogs customarily employed and suitable for such game.

**Madison County Animal Control:** The department designated to exercise the authority, powers and responsibilities given for the control of animals and their welfare under the provisions of the North Carolina General Statutes.

**Madison County Animal Control Board:** The board appointed by the Madison County Commissioners to hear appeals from the determination by the health director that an animal is a Dangerous Animal or a Potentially Dangerous Animal.

**Madison County Animal Control Director:** The officer or employee placed in supervision of the Animal Control Department.

**Madison County Animal Control Officer:** Any Animal Control Officer employed by the jurisdiction.

**Madison County Animal Shelter:** The Animal Shelter operated and maintained by Madison County for the purpose of impounding animals under the authority of this chapter or the General Statutes of North Carolina for the care, confinement, return to owner, adoption, or humane euthanasia.

**Neglect:** Failure of an owner/keeper of an animal to provide the animal with adequate food, water, shelter, or failure of an owner/keeper of an animal to obtain appropriate care.

**Owner:** Any person, group of persons, firm, partnership, corporation, organization, or association owning, keeping, having charge of, sheltering, feeding, harboring, or boarding any animal for a fee. The owner is responsible for the care, actions and behavior of his animal(s).

**Owner's Property:** Any real property owned or leased by the owner of the animal, not including any public right-of-way or a common area of a condominium, apartment complex, or townhouse development.

**Potentially Dangerous Animal:** An animal that the health director or the Madison County Animal Control Board determines to have: inflicted a serious injury upon a person; or killed or inflicted serious injury upon a domestic animal or domesticated livestock when not on the owner's real property; or approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.

**Sanitary:** Relating to health or the protection of health of animals, areas should not have an excess of elements such as animal waste or pathogens that endanger health.

**Stray:** Any domestic animal that is not on the property of its owner and is wandering at large, or is lost, or does not have any owner, or does not bear evidence of the identification of any owner, and is one that enters your property or residence or place of business.

**Wild Animal:** Any animal which can normally be found in the wild state, particularly those feral, exotic, dangerous or non-domestic animals which generally do not live in or about the habitation of humans, including, but not limited to deer, bears, lions, monkeys, raccoons, skunk, squirrels, tigers and snakes.

## **Section .08**

### **MISTREATMENT OF ANIMALS; PROHIBITED ACTS**

All animals shall be kept and treated under sanitary and humane conditions, and it shall be unlawful for any person to subject, or cause to be subjected, any animal to cruel treatment. It shall likewise be unlawful for any person to deprive, or cause to be deprived, any animal of adequate food and water, necessary medical attention, proper shelter, protection from the weather or clean conditions.

- I. Adequate food, water and shelter. Food, water and shelter shall be provided as follows:**



- A. All animals shall be given at suitable intervals, not to exceed 24 hours, a quantity of wholesome foodstuff suitable for the age and species of the animal and sufficient to maintain a healthful level of nutrition.
- B. All animals shall have access to a constant supply of clean, fresh water.
- C. All domestic animals, excluding livestock, shall be provided with adequate shelter from the weather and clean conditions at all times.
  - 1. Examples of inadequate shelter include but are not limited to the following:
    - a. Underneath outside steps, decks and stoops.
    - b. Underneath houses or mobile/trailer homes.
    - c. Inside or underneath motor vehicles.
    - d. Inside cardboard boxes.
    - e. Inside temporary animal carriers or crates.
    - f. Shelters located in flood prone areas.
    - g. Shelters surrounded by debris, obstructions or impediments that may endanger an animal.
- D. Every person who owns any pen, lot, kennel, shelter or other place where animals are kept shall maintain the same in a sanitary manner.

**II. Medical care. It shall be unlawful for any person in contact with or having knowledge of a sick, diseased or injured animal to fail or refuse to provide medical treatment for the animal or notify the Madison County Animal Control Department of the condition. A sick, diseased or injured animal shall go no longer than 24 hours without medical attention.**

As stated in **G.S. 14-360. Cruelty to animals** 1969, c. 1224, § 2; Laws 1979, c. 641; Laws 1985 (Reg. Sess., 1986), c. 967, § 1; Laws 1989, c. 670, § 1; Laws 1993, c. 539, § 239, eff. Oct. 1, 1994; Laws 1994, (1<sup>st</sup> Ex. Sess.), c. 24, § 14(c), eff. March 26, 1994; S.L. 1998-212, § 17.16(c), eff. Jan. 1, 1999; S.L. 1999-209, § 8, eff. June 24, 1999; S.L. 2007-211, § 1, eff. Dec. 1, 2007; S.L. 2007-211, § 2, eff. July 11, 2007

## **Section .09**

### **CRUEL TREATMENT**

- I. **Animal cruelty. It shall be unlawful for any person to molest, torture, torment, deprive of necessary sustenance, cruelly beat or treat, needlessly mutilate or kill, wound, injure, poison, abandon or subject any animal to conditions detrimental to its health or general welfare or to procure any such actions to be inflicted upon any animal.**

A. Examples of cruel treatment include, but are not limited to, the following 1-10;  
Exemptions are noted in B

1. Allowing a collar, rope, wire, or chain to become embedded in or cause injury to an animal's neck.
2. Allowing a choke or pinch collar to be used as a primary collar when the animal is left unsupervised.
3. Allowing a dog, cat or other domesticated pet to be left outside in inclement weather or extreme temperatures without adequate shelter.
4. Intentionally allowing animals to engage in a fight.
5. Allowing animals to live in unsanitary conditions.
6. Allowing animals to live in crowded conditions. (Animals must have enough room to move freely within a reasonably clean enclosure.)
7. Failure or refusal to obtain medical treatment for an animal when, in an Animal Control Officer's or Animal Cruelty Investigator's opinion, such treatment is needed.
8. Using lethal force against an animal, either on or off the owner's property, unless the animal is in the act of attacking and causing severe injury to a human being or any other domestic animal.
9. Permitting any exhibit, function or activity where animals are being cruelly treated or animals run the risk of causing injury to the public or themselves.
10. Restraining an animal using a chain, rope, or wire grossly in excess of the size necessary to restrain the animal

B. Exemptions: In compliance with G.S. 19A-1.1(2003-208, s. 1.) the following exemptions are noted

1. The lawful taking of animals under the jurisdiction and regulation of the Wildlife Resources Commission, except that this Article applies to those birds exempted by the Wildlife Resources Commission from its definition of "wild birds" pursuant to G.S. 113-129 (15a).
2. Lawful activities conducted for purposes of biomedical research or training or for purposes of production of livestock, poultry, or aquatic species.
3. Lawful activities conducted for the primary purpose of providing food for human or animal consumption.
4. Activities conducted for lawful veterinary purposes.
5. The lawful destruction of any animal for the purposes of protecting the public other animals, or the public health.
6. Lawful activities for sport.

As stated in **G.S. 14-362.3. Restraining dogs in a cruel manner** 2001-411, § 2, eff. Dec. 1, 2001 and **G.S. 14-360. Cruelty to animals** 1969, c. 1224, § 2; Laws 1979, c. 641; Laws 1985 (Reg. Sess., 1986), c. 967, § 1; Laws 1989, c. 670, § 1; Laws 1993, c. 539, § 239, eff. Oct. 1, 1994; Laws 1994, (1<sup>st</sup> Ex. Sess.), c. 24, § 14(c), eff. March 26, 1994; S.L. 1998-212, § 17.16(c), eff. Jan. 1, 1999; S.L. 1999-209, § 8, eff. June 24, 1999; S.L. 2007-211, § 1, eff. Dec. 1, 2007; S.L. 2007-211, § 2, eff. July 11, 2007

## II. Motor vehicles



- A. Confinement in motor vehicles prohibited. It shall be unlawful for any person to place or confine an animal or allow an animal to be placed or confined in a motor vehicle for such duration or at such temperatures as to endanger the health or wellbeing of such animal.
1. After making a reasonable effort to find the driver of a vehicle in which an animal is confined, an employee of the Madison County Animal Control Department, at the direction of a law enforcement officer, may use the least intrusive means to break and enter the vehicle, if necessary, to remove the animal where reasonable cause exists to believe that the animal is in the vehicle in violation of this subsection.
  2. The Madison County Animal Control Officer removing the animal shall then impound the animal and leave in a prominent place on the motor vehicle a written notice of the animal's impoundment, a brief description of the animal, and where and when the animal may be reclaimed. The officer may also issue a warning citation for violation of this subsection.
- B. Intentional striking prohibited. It shall be unlawful for any person to intentionally strike an animal with an automobile or other vehicle causing injury or death.

## **SECTION .10**

### **NOTICE IN CASE OF INJURY**

It shall be unlawful for any person who causes injury to an animal including, but not limited to running over or hitting a domesticated animal with any vehicle to fail to notify immediately at least one of the following: the owner(s) or keeper(s) of the animal if known or ascertainable with reasonable efforts made to locate the owner or keeper, an animal control officer, the appropriate police or sheriff department, or the animal shelter.

## **SECTION .11**

### **ANIMAL TRAPPING**

The Madison County Animal Control Department or its designated agent is authorized to place, upon request, live animal traps on public or private property to trap and remove stray, at large, unwanted or nuisance animals, excluding wildlife. It is unlawful for any person other than an animal control officer to remove any animal from the trap, or to damage, destroy, move or tamper with the trap, and will be subject to fines. The Madison County Animal Control Department is authorized to receive and impound animals that are trapped by other agencies or persons within Madison County.

## **SECTION .12**

### **IMPOUNDMENT**

It shall be the duty of the Madison County Animal Control Department to seize and impound, subject to the provisions of these Ordinances, all animals found in violation of the provisions of this chapter whether such animal shall be in the immediate custody of its owner or otherwise. Owners of any animals seized by Madison County Animal

Control, either by warrant or Office Assist Impoundments will be subject to fees and fines. Once an owner has been advised their animal has been impounded by Officer Assist Impoundment, the owner will have 10 days to pay all fees, and reclaim said animal or forfeit all rights to said animal. Animals seized by warrant upon outcome of court the owner will have 10 days to pay restitution and reclaim said animals or forfeit all rights to said animal.

## **SECTION .13**

### **HUMANE EUTHANASIA**

Notwithstanding any other provision of this Ordinance, any animal impounded that is badly injured, wounded or diseased (not rabies suspect) and that has no identification shall be destroyed immediately in a humane manner. If the animal has identification, the Madison County Animal Shelter shall attempt expeditiously to notify the owner or keeper before euthanizing such animal, but if the owner cannot be reached readily and the animal is suffering, the Madison County Animal Control Director or his/her designee may cause the animal to be euthanized at his/her discretion in a humane manner. The Madison County Animal Shelter and Madison County Animal Control Department shall have no liability for euthanizing injured, wounded or diseased animals. Livestock will not be euthanized by animal control.

## **SECTION .14**

### **HANDLING OF STRAY ANIMALS BY THE PUBLIC**

Unless otherwise mandated by state law, it shall be unlawful for any person, without the consent of an animal's owner or keeper, to knowingly and intentionally harbor or keep in possession by confinement any animal that does not belong to him/her. Any person in possession of a stray animal shall contact the Madison County Animal Control within 72 hours to provide notice of the stray animal's description and location or to arrange for impoundment. It shall also be unlawful for any person other than the owner or keeper of an animal to remove its collar, license tag or rabies tag.

## **SECTION .15**

### **DOGS RUNNING AT LARGE**

No person shall allow his dog over six months old to run at large in the nighttime unaccompanied by the owner or by some member of the owner's family, or some other person by the owner's permission. Any person intentionally, knowingly, and willfully violating this section shall be guilty of a Class 3 misdemeanor, and shall also be liable in damages to any person injured or suffering loss to his property or chattels, as stated in **G.S. 67-12. Permitting dogs to run at large at night; penalty; liability for damage.** (1919, c. 116, s. 5; C.S., s. 1680; 1993, c. 539, s. 534; 1994, Ex. Sess., c. 24, s. 14(c).)



## **SECTION .16**

### **PERMITTING FEMALE DOG IN HEAT TO RUN AT LARGE**

If any person owning or having any female dog in heat and shall knowingly permit her to run at large during the erotic stage of copulation he/she shall be guilty of a Class 3 misdemeanor, as stated in **G.S. 67-2. Permitting bitch at large** (1862-3, c. 41, s. 2; Code, s. 2501; Rev., s. 3303; C.S., s. 1670; 1993, c. 539, s. 529; 1994, Ex. Sess., c. 24, s. 14(c).)

## **SECTION .17**

### **PUBLIC NUISANCE**

#### **I. The Madison County Animal Control Officer shall investigate the complaint to determine if the act violates this ordinance.**

- A. Upon receipt of notice of Nuisance Violation signed by a Madison County Animal Control Officer setting forth the nature and the date of the act, the apparent owner/keeper of the animal, the address of the said apparent owner/keeper and the description of the animal creating the nuisance.
- B. It shall be unlawful for the owner/keepers of any domestic animal determined by Madison County Animal Control to be a nuisance to allow that animal to run loose off the owner/keeper's real property. In such cases the owner/keeper must correct the nuisance situation immediately by keeping the animal that has been found to be creating a public nuisance on his property at all times. For the purpose of this section, public nuisance includes, but is not limited to:
  1. Offensive odors of any animal that remain upon or emanates from the property of the owner/keeper; and/or
  2. The keeping of any animal, which is frequently at large on the property of others and creating a nuisance; and/or
  3. Allowing or permitting an animal to damage the property of anyone other than its owner/keeper, including but not limited to turning over garbage containers, or damaging gardens, flowers, or vegetables, or defecating upon the property of another; and/or
  4. Maintaining animals in an unsanitary environment; and/or
  5. Maintaining animals in such a manner and location that animal waste can accumulate and run off onto another person's property or body of water; and/or
  6. Maintaining an animal that is diseased and dangerous to the public health through transmission of zoonotic disease; and/or
  7. Failing to confine a female canine or feline which is in heat in a secure enclosure in such a manner that will prevent the animal from coming in contact with a male of its species, or attract other animals; provided, however this section will not be construed to prohibit the intentional breeding of animals within a securely enclosed area on the premises of the owner/keeper of the animal which is being bred:
- C. Upon determination by Madison County Animal Control Officers that the

nuisance complaints are valid, Madison County Animal Control Officers may issue a verbal warning or written order stating the conditions and proper corrective procedures to remedy the situation.

- D. Madison County Animal Control Officer(s) may deem an animal (s) to be a nuisance animal(s) under this section without complaint forms being filed, if the Madison County Animal Control Officer(s) determines that the animal(s) meet any of the criteria set forth in any section of this ordinance

## **SECTION .18**

### **EXEMPTIONS FOR HUNTING DOGS**

This ordinance is not to restrain a hunting dog from a lawful hunt during hunting season or from a lawful training on the owner's property or on property upon which the dog's owner has permission of the landowner to hunt or train. The owner of said animal will be responsible for complying with all laws set forth by the State, in regards to care and rabies vaccinations.

## **SECTION .19**

### **I. FALSE REPORTS OR FRIVOLOUS COMPLAINTS.**

- A. It shall be unlawful for any person to file a false report with the Madison County Animal Control Department or to knowingly provide false information to an animal control officer involving investigation of any reported violation of this Chapter.
- B. It shall be unlawful for any person to repeatedly file frivolous or unfounded complaints with the Madison County Animal Control Department in order to intimidate or harass any member of the Madison County Animal Control Department or any animal owner, or to otherwise hinder or interfere with the animal control program.

As stated in **G.S. 14-196a(5) Annoying or harassing by repeated telephoning or making false statements over telephone**(1913, c. 35; 1915, c. 41; C.S., s. 4351; 1967, c. 833, s. 1; 1989, c. 305; 1993, c. 539, s. 128; 1994, Ex. Sess., c. 24, s. 14(c); 1999-262, s. 1; 2000-125, s. 2.)

## **SECTION .20**

### **I. Dangerous or Potentially Dangerous Dogs**

- A. Dangerous Dog is one who has:
  - 1. Without provocation has killed or inflicted severe injury on a person; or
  - 2. Is determined by the person or Board designated by the county or municipal authority responsible for animal control to be potentially dangerous because the dog has engaged in one or more of the behaviors listed in subdivision (2) of this subsection, and the owner of the dog may be cited for an unprovoked



attack.

- B. Potentially dangerous dog is one who the Health Director or Madison County Animal Control Board designated by the county or municipal authority responsible for animal control determines to have:
1. Inflicted a bite on a person that resulted in broken bones or disfiguring lacerations or require cosmetic surgery or hospitalization; or
  2. Killed or inflicted severe injury upon a domestic animal when not on the owner's real property; or
  3. Approached a person when not on the owner's property in a vicious or terrorizing manner in an apparent attitude of attack.
- C. It is unlawful for an owner to:
1. Leave a dangerous dog or potentially dangerous dog unattended on the owner's real property unless the dog is confined indoors, in a securely enclosed and locked pen, or in another structure designed to restrain the dog;
  2. Permit a dangerous or potentially dangerous dog to go beyond the owner's real property unless the dog is **leashed**
  3. If the owner of a dangerous dog transfers ownership or possession of the dog to another person (as defined in G.S. 12-3(6)), the owner shall provide written notice to:
    - a. The authority that made the determination under this Article, stating the name and address of the new owner or possessor of the dog; and
    - b. The person taking ownership or possession of the dog, specifying the dog's dangerous behavior and the authority's determination.
    - c. Violation of this section is a Class 3 misdemeanor, as stated in **G.S. 67-4.2. Precautions against attacks by dangerous dogs** (1989 (Reg. Sess., 1990), c. 1023; 1993, c. 539, s. 532; 1994, Ex. Sess., c. 24, s. 14(c).) and **G.S. 67-4.1. Definitions and procedures** (Reg. Sess., 1990), c. 1023, § 1

## SECTION .21

### I. EXOTIC/INHERENTLY DANGEROUS ANIMALS

- A. No person, corporation, or other entity shall keep, maintain, possess, or have within Madison County any wild and /or exotic animal which is inherently dangerous to persons and/or property.
- B. Exemptions – the following shall be exempt from this ordinance:
1. Persons. Corporations, institutions, or other entities licensed and/or regulated by the U.S. Department of Agriculture;
  2. Licensed wildlife rehabilitators; and
  3. Institutions accredited by the American Zoo and Aquarium Association
- C. The owner of any wild and/or exotic animal which is inherently dangerous to persons and/or property shall reimburse Madison County for all cost incurred while attempting to recapture, shelter, and/or euthanize any such escaped animals.

## **Part III ENFORCEMENT**

### **SECTION .22**

#### **I. ENFORCEMENT**

- A.** Enforcement of this article shall rest with Madison County Animal Control officers and those governmental agencies and personnel authorized to exercise police powers by North Carolina statute to include, without limitation, the Madison County Sheriff's Department and the Police Departments of any municipality that by resolution or ordinance has adopted this Ordinance within its municipal boundaries.
- B.** Enforcement personnel are authorized to investigate suspected violations of this Ordinance and are empowered to issue citations, warning citations, or letters of warning when any of the provisions of this chapter have been violated. Citations shall be delivered by enforcement officials in person to the alleged violator or delivered by registered mail return receipt requested to the person so charged.
- C.** Where enforcement personnel determine that a violation is a first offense for the person charged; a written warning letter or citation may be issued at the discretion of the enforcement officer.
- D.** In regards to livestock in roadway this will be turned over to the North Carolina Highway Patrol or to D.O.T., livestock abuse/neglect will be turned over to the Madison County Sheriffs Department or to the Cooperative Extension Office. Madison County Animal Services will provide assistance to these departments as needed.

### **SECTION .23**

#### **IMPOSITION OF PENALTY –GENERALLY**

Notwithstanding other provisions of this article any civil penalty authorized by this article shall be imposed as provided in this division. When a Madison County Animal Control Officer or other law enforcement officer has determined that a violation of this article has occurred, which makes the violator subject to a civil penalty, that officer shall issue a written citation to the violator specifying the nature of the violation and the amount of the penalty imposed for such violation.

The officer shall serve the citation on the violator in person or by placing the citation in the U.S. Postal System in a certified envelope addressed to violator at his/her last known address, postage paid, with return receipt requested. The citation shall be deemed received upon delivery into the postal service, provided that a certificate by the issuing officer, that such delivery has been made, is executed and placed in the records of the Animal Control on the date of such delivery

A civil penalty shall be due from and owed by a violator upon his receipt of a citation imposing such penalty and shall be paid within thirty (30) days following such penalty. Notwithstanding such provision, the Madison County Animal Control may refuse to release an animal apprehended under the provisions of this article until the person claiming such animal pays any civil penalty imposed upon such person.



If payment of a civil penalty is not received as provided in this section, the Madison County Animal Control shall initiate a small claim action in the district court of the county to recover the amount of the penalty.

## **SECTION .24**

### **OWNED ANIMAL PICKUP**

The fee will be charged for owned animals that are picked up based on the location of the animal relative to the Madison County Animal Shelter. The County would be divided into 3 circular zones radiating from the Shelter. Animals housed in **Zone 1** would be transported for a fee of **\$35.00**, animals in **Zone 2** for **\$45.00**, and animals in **Zone 3** for **\$55.00**. Exemptions from this fee would be allowed for elderly citizens who are already receiving the County elderly exemption as well as for handicapped residents who do not own a vehicle. Owners who transport their own animals to the Shelter will continue to be able to do so without incurring any fees.

## **SECTION .25**

### **FEEES, FINES, AND PENALTIES**

Any person violating the provisions of this Ordinance shall be subject to the following criminal and/or civil penalties and actions. No penalty shall be assessed without notice of the violation.

Madison County may, in its discretion, additionally seek restitution for the actual cost of maintaining, transporting, boarding, or providing veterinarian services for any animal impounded under this Ordinance.

**Injunction and Order of Abatement.** The provisions of this Ordinance may be additionally enforced by injunction and order of abatement.

**Criminal Penalties.** Any person who violates the provisions of this Ordinance shall be guilty of a Class 3 misdemeanor and shall be subject to a fine.

As stated in **G.S. 14-4. Violation of local ordinances misdemeanor**(1871-2, c. 195, s. 2; Code, s. 3820; Rev., s. 3702; C.S., s. 4174; 1969, c. 36, s. 2; 1985, c. 764, s. 2; 1985 (Reg. Sess., 1986), c. 852, s. 17; 1991, c. 415, s. 1; c. 446, s. 1; 1993, c. 538, s. 8; c. 539, s. 9; 1994, Ex. Sess., c. 24, ss. 14(b), 14(c); 1995, c. 509, s. 133.1.) (**See MCAS Fees and Fines Schedule**)